

OFFICE OF THE STANDING CHAPTER 13 TRUSTEE
6851 N.E. Loop 820, Suite 300
North Richland Hills, TX 76180-6608
(817) 770-8500
(817) 498-1362 FAX

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

IN RE:
GARRY ERNEST HOLMEN JR, xxx-xx-6533
Debtor

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Case No: 17-42335-RFN

Prehearing Conference: February 09, 2018
@ 10:00 AM

NOTICE OF PRE-HEARING CONFERENCE AND
HEARING ON "TRUSTEE'S RECOMMENDATION CONCERNING CLAIMS,
AND PLAN MODIFICATION"

TO ALL PARTIES IN INTEREST:

A **Pre-Hearing Conference** with the Chapter 13 Trustee concerning the attached Trustee's Recommendation Concerning Claims, and Plan Modification ("TRCC") will be held at **10:00 AM** on **February 09, 2018** at 6851 N.E. Loop 820, Suite 310, N. Richland Hills, TX 76180.

If any objections to the Pleadings are not resolved or defaulted at the Trustee's Pre-hearing Conference then this matter will be called at the docket call to be held at **8:30 AM** on **March 01, 2018** at Room 204, US Courthouse, 501 W. 10th Street, Fort Worth, TX 76102, with the **Court Hearing** on the matter immediately following the conclusion of the docket call.

Pursuant to General Order 2017-01 Section 16(e), unless an objection is timely filed as to the amount and classification of any claim or to any Plan Modification, the claim or Plan Modification will be allowed or approved as described in the TRCC and such amount and classification will be final and binding on all parties, unless Section 502j of the Bankruptcy Code applies.

TO BE CONSIDERED, ANY OBJECTION OR RESPONSE MUST BE MADE IN WRITING, FILED WITH THE COURT, AND A COPY SERVED ON THE FOLLOWING PARTIES WITHIN THIRTY (30) DAYS FROM THE DATE OF SERVICE HEREOF, OR February 04, 2018.

DEBTOR: GARRY ERNEST HOLMEN JR, 6532 Virginia Sq, Arlington, TX 76017
ATTORNEY: MARILYN D GARNER, 2007 E LAMAR BLVD STE 200, ARLINGTON, TX 76006
COURT: US Bankruptcy Clerk, 501 W. 10th Street, Fort Worth, TX 76102
TRUSTEE: TRUSTEE'S OFFICE, 6851 N.E. Loop 820, Suite 300, North Richland Hills, TX 76180-6608

/s/ Tim Truman

Tim Truman, Trustee/State Bar # 20258000

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Trustee's Recommendation Concerning Claims, and Plan Modification

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing "Notice of Pre-Hearing Conference and Hearing on Trustee's Recommendation Concerning Claims, and Plan Modification" and a copy of the attached "Trustee's Recommendation Concerning Claims, and Plan Modification" was served on the parties listed below in the manner listed below on or before January 05, 2018.

/s/ Tim Truman

BY FIRST CLASS MAIL:

ACCEPTANCE NOW, Attn: Officer/President, 5501 HEADQUARTERS DR, PLANO, TX 75024-0000
 ALBERTA MAINTANENCE ENFORCEMENT, Attn: Officer/President, 10365 97ST NW, TDF3W7, EDMONTON, AB 00000-0000
 AMERICAN CREDIT ACCEPTANCE, Attn: Officer/President, 961 E MAIN ST, SPARTANBURG, SC 29302-0000
 AMERICAN EXPRESS BANK FSB, Attn: Officer/President, C/O BECKET & LEE LLP, PO BOX 3001, MALVERN, PA 19355
 ATTORNEY GENERAL OF TEXAS, Attn: Officer/President, ATTN BANKRUPTCY SECTION, 2001 BEACH ST STE 700, FORT WORTH, TX 76103
 ATTORNEY GENERAL OF TEXAS, Attn: Officer/President, COLLECTIONS DIV/BANKRUPTCY SEC, PO BOX 12548, AUSTIN, TX 78711
 CHRYSLER CAPITAL, Attn: Officer/President, PO BOX 961275, FT WORTH, TX 76161-0000
 CREDIT ACCEPTANCE CORPORATION, Attn: Officer/President, 25505 W 12 MILE RD STE 3000, SOUTHFIELD, MI 48034-0000
 DIANE HOLMEN/DSO CLAIMANT, Attn: Officer/President, ADDRESS NOT PROVIDED, , TX 00000-0000
 DITECH FINANCIAL, Attn: Officer/President, PO BOX 0049, PALATINE, IL 60055-0000
 DITECH FINANCIAL, Attn: Officer/President, PO BOX 6154, RAPID CITY, SD 57709-0000
 ENHANCED RECOVERY CORP, Attn: Officer/President, 8014 BAYBERRY RD, JACKSONVILLE, FL 32256-0000
 EVERHOME MORTGAGE, Attn: Officer/President, 301 W BAY ST STE 2200, JACKSONVILLE, FL 32202
 FIRST PREMIER BANK, Attn: Officer/President, 601 S MINNESOTA AVE, SIOUX FALLS, SD 57104-0000
 FLAGSTAR, Attn: Officer/President, 5151 CORPORATE DR, TROY, MI 48098
 GARRY ERNEST HOLMEN JR, Attn: Officer/President, 6532 Virginia Sq, Arlington, TX 76017-0000
 INTERNAL REVENUE SERVICE, Attn: Officer/President, PO BOX 7346, PHILADELPHIA, PA 19101
 KENNEDALE ISD, Attn: Officer/President, 120 W KENNEDALE PKWY, KENNEDALE, TX 76060-0000
 LINEBARGER GOGGAN BLAIR ET AL, Attn: Officer/President, 100 THROCKMORTON STE #300, FT WORTH, TX 76102-0000
 LVNV FUNDING LLC, Attn: Officer/President, RESURGENT CAPITAL SERVICES, PO BOX 10587, GREENVILLE, SC 29603
 NISSAN INFINITI LT, Attn: Officer/President, PO BOX 660366, DALLAS, TX 75266
 PORTFOLIO RECOVERY ASSOC, Attn: Officer/President, PO BOX 41067, NORFOLK, VA 23541-0000
 PORTFOLIO RECOVERY ASSOCIATES, Attn: Officer/President, PO BOX 12914, NORFOLK, VA 23541-0000
 RON WRIGHT TAX ASSESSOR/COLLECTOR, Attn: Officer/President, 100 E WEATHERFORD ST, FT WORTH, TX 76196
 TARRANT COUNTY TAX COLLECTOR, Attn: Officer/President, DELINQUENT TAX DEPARTMENT, 100 E WEATHERFORD ST, FORT WORTH, TX 76196
 TEXAS ALCOHOLIC BEVERAGE COMM, Attn: Officer/President, LICENSES AND PERMITS DIVISION, PO BOX 13127, AUSTIN, TX 78711
 TEXAS CHILD SUPPORT, Attn: Officer/President, DISBURSEMENT UNIT, PO BOX 659791, SAN ANTONIO, TX 78265
 TEXAS COMPTROLLER PUBLIC ACCTS, Attn: Officer/President, REVENUE ACCOUNTING DIV/BANKRUP, PO BOX 13528, AUSTIN, TX 78711
 TEXAS WORKFORCE COMMISSION, Attn: Officer/President, TAX DEPT COLLECTION FKA TEC, BANKRUPTCY ROOM 556-A, AUSTIN, TX 78778-0000
 US DEPARTMENT OF JUSTICE, Attn: Officer/President, 10TH & CONSTITUTION NW, WASHINGTON, DC 20530-0000
 WELLS FARGO, Attn: Officer/President, PO BOX 14517, PORTLAND, OR 97228
 WELLS FARGO BANK, Attn: Officer/President, 435 FORD RD STE 300, ST LOUIS PARK, MN 55426-0000
 WELLS FARGO BANK, Attn: Officer/President, WELLS FARGO SERVICING CENTER, PO BOX 94423 MAC Q2132-023, ALBUQUERQUE, NM 87199-0000

ELECTRONIC SERVICE:

MARILYN D GARNER, 2007 E LAMAR BLVD STE 200, ARLINGTON, TX 76006
 LINEBARGER GOGGAN BLAIR & SAMPSON LLP, 2777 N STEMMONS FWY #1000, DALLAS, TX 75207
 BARRETT DAFFIN FRAPPIER TURNER AND ENGLE LLP, 4004 BELT LINE RD STE 100, ADDISON, TX 75001
 United States Trustee, 1100 COMMERCE STREET, ROOM 976, DALLAS, TX 75242

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Trustee's Recommendation Concerning Claims, and Plan Modification

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

IN RE:
GARRY ERNEST HOLMEN JR, xxx-xx-6533
6532 Virginia Sq
Arlington, TX 76017
Debtor

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Case No: 17-42335-RFN**Chapter 13**

TRUSTEE'S RECOMMENDATION CONCERNING CLAIMS, AND PLAN MODIFICATION

The Trustee hereby recommends allowance of the following claims in Section III . (Claims listed in Sections I and II are for information only.)

CLAIMANTS RECEIVING THIS RECOMMENDATION SHOULD LOCATE THEIR NAMES AND CLAIMS HEREIN .

I.

NO PRIORITY OR GENERAL UNSECURED PROOF OF CLAIM FILED

The following priority and general unsecured creditors were scheduled by the Debtor and no Proof of Claim has been filed by them or on their behalf as required by Bankruptcy Rule 3002 (a). The "bar date" for filing claims pursuant to Bankruptcy Rule 3002 (c) has passed. Any such claim provided for in the confirmed or modified plan will not be paid by the Trustee until a proof of claim is filed . Any late filed claim will be paid pursuant to the Order of Payment for a late filed claim as stated in the confirmed Plan, or by further Order of the Court.

<u>T'EE CLAIM #</u>	<u>CREDITOR'S NAME</u>	<u>SCHEDULED CLASS</u>	<u>SCHEDULED AMOUNT</u>
8	ALBERTA MAINTANENCE ENFORCEMENT	DSO	\$0.00
11	CHRYSLER CAPITAL	UNSECURED	\$223.00
13	ENHANCED RECOVERY CORP	UNSECURED	\$1,160.00

II.

NO SECURED CLAIM FILED

The following secured creditors were scheduled by the Debtor and no Proof of Claim has been filed by them or on their behalf . The "bar date" for filing claims pursuant to Bankruptcy Rule 3002 (c) has passed. Any such claim provided for in the confirmed or modified plan will not be paid by the Trustee until a proof of claim is filed . Any late filed claim will be paid pursuant to the Order of Payment for a late filed claim as stated in the confirmed Plan, or by further Order of the Court .

<u>T'EE CLAIM #</u>	<u>SECURED CLASS</u>	<u>COMMENT/ COLLATERAL</u>	<u>CLAIM AMOUNT</u>	<u>VALUE</u>	<u>INTEREST RATE</u>	<u>TREATMENT</u>
6	RON WRIGHT TAX ASSESSOR/COLLECTOR	914/HOMESTEAD	NOT FILED	\$0.00		DIRECT-DR

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III.**TRUSTEE'S RECOMMENDATIONS CONCERNING ALLOWABLE CLAIMS**

The Trustee hereby recommends the ALLOWANCE of the following claims for the amount (s) and in the class(es) as listed below: (NOTE: Value, treatment and interest rate were determined at confirmation. "Value", "Interest Rate", and "Treatment" are shown below for information only.)

<u>CLAIM #</u>	<u>POST-PETITION ONGOING MORTGAGE CLASS</u>	<u>COLLATERAL</u>	<u>APPROX. TRUSTEE PAYMENTS</u>		<u>TREATMENT</u>
7	DITECH FINANCIAL	HOMESTEAD CURRENT 6532 Virginia Sq	\$161,258.80	Starting: 9/1/17	\$2,733.20 Per Mo-TI

<u>CLAIM #</u>	<u>POST-PETITION ARREARS CLASS</u>	<u>COLLATERAL</u>	<u>CLAIM AMOUNT</u>	<u>INTEREST RATE</u>	<u>TREATMENT</u>
7	DITECH FINANCIAL	HOMESTEAD GAP/7/17-8/17	\$5,466.40	0.00%	PRO RATA-TR

<u>CLAIM #</u>	<u>PRE-PETITION ARREARS CLASS</u>	<u>COLLATERAL</u>	<u>CLAIM AMOUNT</u>	<u>INTEREST RATE</u>	<u>TREATMENT</u>
7	DITECH FINANCIAL	HOMESTEAD/ARRS	\$39,464.57	0.00%	PRO RATA-TR

<u>CLAIM #</u>	<u>DSO CLASS</u>	<u>COLLATERAL</u>	<u>CLAIM AMOUNT</u>		<u>TREATMENT</u>
4	TEXAS CHILD SUPPORT	DIANE HOLMEN	\$119,098.22		DIRECT-DR

<u>CLAIM #</u>	<u>SECURED CLASS</u>	<u>COLLATERAL</u>	<u>CLAIM AMOUNT</u>	<u>VALUE</u>	<u>INTEREST RATE</u>	<u>TREATMENT</u>
5	AMERICAN CREDIT ACCEPTANCE	16 FORD ESCAPE	\$22,396.15	\$0.00		DIRECT-DR
1	CREDIT ACCEPTANCE CORPORATION	10 VW PASSAT	\$5,477.91	\$0.00		DIRECT-DR
6	TARRANT COUNTY TAX COLLECTOR	HOMESTEAD/17	\$7,910.28	\$0.00		DIRECT-DR

<u>CLAIM #</u>	<u>UNSECURED CLASS</u>	<u>CLAIM AMOUNT</u>	<u>COMMENT</u>
10	AMERICAN EXPRESS BANK FSB	\$2,183.02	
9	PORTFOLIO RECOVERY ASSOCIATES	\$775.35	CAPITAL ONE
8	LVNV FUNDING LLC	\$305.85	CREDIT ONE
3	NISSAN INFINITI LT	\$15,024.69	14 INFINITY/DEFICIENCY CLM
2	WELLS FARGO BANK	\$2,369.41	

IV.**OBJECTIONS PENDING**

The following claims are not deemed allowed because there are objections pending:

*** NONE ***

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Trustee's Recommendation Concerning Claims, and Plan Modification

V.

PLAN MODIFICATION

Excess Base Amount

To the extent the Base Amount exceeds the amount needed to pay all allowed Secured, Priority, and Administrative Claims, unless otherwise provided by a Debtor Modification or order of the Court, such excess shall be paid pro-rata to timely filed allowed non-penalty general unsecured claims up to 100%, then to late filed allowed non-penalty unsecured claims up to 100%, then to penalty unsecured claims up to 100%, with any remaining balance refunded to Debtor .

VI.

PLAN IS SUFFICIENT

Plan is Sufficient, Debtor Modification is not needed to cure any insufficiency at this time .

Respectfully submitted,
Office of the Chapter 13 Trustee, Fort Worth, TX

/s/ Tim Truman

Tim Truman, Trustee
State Bar # 20258000

Dated: January 04, 2018